

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA**

SCOTT T. BALLOCK,

Plaintiff,

v.

**CIVIL ACTION NO.: 1:17-CV-52
Honorable Irene M. Keeley**

**ELLEN RUTH COSTLOW,
STATE TROOPER MICHAEL KIEF,
STATE TROOPER RONNIE M.
GASKINS, AND STATE TROOPER
CHRIS BERRY,**

Defendants.

REPORT OF THE PARTIES' PLANNING MEETING

1. The following persons participated in a Rule 26(f) conference on September 14, 2017 by telephonic conference:

Frederick R. Juckniess, Esq. and Charles J. Crooks, Esq., for Plaintiff; P. Todd Phillips, Esq., for Defendant Ellen Ruth Costlow; and Mark G. Jeffries, Esq., for Defendants State Trooper Michael Kief, State Trooper Ronnie M. Gaskins, and State Trooper Chris Berry.
2. Initial Disclosures. The parties will complete their Rule 26(a)(1) initial disclosures by October 6, 2017, as required by the Court's First Order.
3. Discovery Plan. The parties propose this discovery plan:
 - (a) Discovery will be needed on these subjects: liability and damages.
 - (b) Dates for commencing discovery and completing discovery: Discovery will begin upon the entry of the Court's Scheduling Order and will be completed by September 14, 2018.

Disclosure or discovery of electronically stored information: This does not appear to be an issue at this point. The parties will provide a plan to the Court if it becomes an issue in the future.
 - (c) Maximum number of interrogatories by each party: 40, with answers due 30 days after service.

- (d) Maximum number of requests for admissions by each party: 40, with responses due 30 days after service.
- (e) Maximum number of depositions by each party: 15.
- (f) Limits on depositions in hours: per Fed. R. Civ. P. 30(d)(1).
- (g) Dates for exchanging reports of expert witnesses: Party with the burden: July 13, 2018; Party without the burden: August 10, 2018.
- (h) Examinations and inspections are to be complete by July 13, 2018.
- (h) The parties propose a discovery cutoff of September 14, 2018.
- (i) There are documents from the underlying criminal and family court proceedings that are likely to be discoverable in this case. Counsel for the parties are negotiating an agreed protective order that will address the terms of use of any such documents.

4. Other items:

- (a) Requested date for final pretrial conference: January 31, 2019 (intermediate pretrial conference – upon request). Date for submission of the Joint Final Pretrial Conference Order: January 24, 2019.
- (b) Final date for joinder and amendments: June 29, 2018.
- (c) Final dates to file dispositive motions: October 31, 2018.
- (d) State the prospects for settlement: The parties indicate that they are willing to negotiate a settlement of this case, although they agree that this case is not amenable to early settlement.
- (e) Alternative dispute resolution procedure: The parties agree that mediation may enhance settlement prospects, and will be completed by January 17, 2019.
- (f) Final dates for submitting RULE 26(a)(3) witness lists, designations of witnesses whose testimony will be presented by deposition, and exhibit lists: December 14, 2018. All objections to same will be due January 17, 2019.
- (g) Suggested trial date and estimate of trial length: February 2019 for approximately 3-4 days.
- (h) Other matters: None at this time.

5. Matters under LR Civ. P. 16.01(b)

- a. Is the case complex to warrant a case management plan? No.
- b. Can the parties agree on the disputed facts alleged? Not at this time.
- c. Do the parties consent to trial by Magistrate Judge? No.
- d. Will the parties consider alternative dispute resolutions such as mediation? Yes, mediation should be considered, although the parties agree this case is not suitable for early settlement.
- e. Agenda of matters for the scheduling conference:
The parties believe the following issues may need to be addressed by the Court at a scheduling or status conference:
 1. Any pending motions.
 2. Terms of use of Plaintiff's expunged criminal records in this proceeding.
 3. Terms of use in this proceeding of documents generated in the underlying Family Court proceedings.
 4. Entry of a protective order.

Date: Sept. 20, 2017

/s/ Charles J. Crooks
Charles J. Crooks (WV Bar ID # 4633)
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Counsel for Plaintiff

Date: Sept. 20, 2017

/s/ P. Todd Phillips
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Counsel for Defendant Ellen Ruth Costlow

Date: Sept. 20, 2017

/s/ Mark G. Jeffries

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Chris Berry*

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CERTIFICATE OF SERVICE

I hereby certify that, on the 20th day of September 2017, I filed the foregoing “*Report of the Parties’ Planning Meeting*” with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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